

IN THE UNITED STATES DISTRICT  
COURT FOR THE NORTHERN DISTRICT  
OF TEXAS DALLAS DIVISION

ANDRE T. WILLIAMS  
Plaintiff

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v.

§ CIVIL CASE NO. \_\_\_\_\_

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LIBERTY LLOYDS OF TEXAS  
INSURANCE COMPANY AND  
JEFFREY A. ESKEW  
Defendants.

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**DEFENDANTS LIBERTY LLOYDS OF TEXAS INSURANCE**  
**COMPANY AND JEFFREY E. ESKEW'S**  
**NOTICE OF REMOVAL**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Defendants Liberty Lloyds of Texas Insurance Company ("Liberty") and Jeffrey Eskew ("Eskew") files this Notice of Removal pursuant to 28 U.S.C. 1446(a) and respectfully shows the Court the following:

**I.**

**FACTUAL BACKGROUND**

1. In this civil action, Plaintiff allege that Defendants are liable under a residential property insurance policy because Plaintiff made a claim under the policy and Defendants allegedly under-evaluated Plaintiff's claim. Plaintiffs lawsuit asserts claims against Liberty Lloyds of Texas Insurance Company which is organized under the laws of the State of Texas with its principal place of business at 175 Berkeley Street, Boston Massachusetts.

2. On August 22, 2017, Plaintiff Andre T. Williams ("Plaintiff") filed a lawsuit styled Cause No. DC-17-10433; *Andre T. Williams v. Liberty Lloyds of Texas Insurance Company and Jeffrey E. Eskew*; in the 116<sup>th</sup> District Court, Dallas County, Texas.

3. Liberty's registered agent received service of this suit on September 25, 2017.

4. Liberty files this notice of removal within 30 days of receiving Plaintiff's pleading.

See 28 U.S.C. §1446(b). In addition, this Notice of Removal is being filed within one year of the commencement of this action. *See id.*

5. Pursuant to Local Rule 81.1, the following documents are being filed concurrently with this removal: an Index of Matters Being Filed; a Civil Case Cover Sheet; a Supplemental Civil Case Cover Sheet; a copy of the Dallas County District Clerk's file for this case, which includes true and correct copies of all executed process, pleadings and orders, and a copy of the docket sheet; and the Certificate of Interested Parties.

## **II.**

### **BASIS FOR REMOVAL**

6. Removal is proper based on diversity of citizenship under 28 U.S.C. §§1332(a), 1441(a), and 1446.

#### **A. Plaintiff and Defendants Are Diverse.**

7. According to Plaintiff's Original Petition, Plaintiff is a Texas citizen.

8. Defendant Liberty is organized under the laws of the State of Massachusetts.

9. Defendant Eskew is a citizen of the State of Tennessee.<sup>1</sup>

#### **B. The Amount In Controversy Exceeds Jurisdictional Requirements**

10. This is a civil action in which the amount in controversy exceeds \$75,000.00. Plaintiff pleads that his damages are over \$75,000.00, but not more than \$100,000.00.<sup>2</sup>

<sup>1</sup>See Plaintiff's Petition p.2).

<sup>2</sup>See Plaintiff's Petition p. 2).

**C. Removal is Procedurally Correct**

12. Defendant Liberty Lloyds of Texas Insurance Company first received notice of Plaintiff's Original Petition on September 25, 2017, when it was served. Eskew was served with Plaintiff's Petition on October 6, 2017. Liberty is filing this Notice within the 30- day time period required by 28 U.S.C. § 1446(b).

13. Venue is proper in this District and Division under 28 U.S.C. §1446(a) because this District and Division include the county in which the state action has been pending and because a substantial part of the events giving rise to Plaintiff's claims allegedly occurred in this District and Division.

14. Pursuant to 28 U.S.C. §1446(a), all pleadings, process, orders, and all other filings in the state court action are attached to this Notice.

15. Pursuant to 28 U.S.C. §1446(d), promptly after Liberty files this Notice, written notice of the filing will be given to Plaintiff.

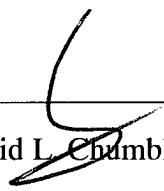
16. Pursuant to 28 U.S.C. §1446(d), a true and correct copy of this Notice will be promptly filed with the District Clerk of the 116<sup>th</sup> District Court, Dallas County District Court after Liberty files this Notice.

**III.**  
**CONCLUSION**

Based upon the foregoing, and other documents filed contemporaneously with this Notice of Removal and fully incorporated herein by reference, Defendant Liberty hereby removes this case to this Court for trial and determination.

Respectfully submitted,

LAW OFFICES OF DAVID L. CHUMBLEY, P.C.

By:  \_\_\_\_\_

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**ATTORNEY FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

I hereby certify that on October , 2017, a true and correct copy of the foregoing instrument was served pursuant to the Federal Rules of Civil Procedure on the following counsel of record:

Andrew Woellner  
The Potts Law Firm, LLP  
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Houston, Texas 77098

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David L. Chumbley